

MEETING OF THE BOARD OF CITY COMMISSIONERS

FEBRUARY 14, 2017

The Board of City Commissioners met in regular session on February 14, 2017 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary.

1. The Board of City Commissioners considered approval of the minutes of the meeting on January 24, 2017.

Commissioner Askvig made a motion to approve the minutes with the change he suggested to city staff. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1070458 to 1070980.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered the request for approval from the Assessing Division of a 2016 tax abatement application for the Disabled Veteran Credit on property located at 622 N Anderson St (0040-011-005). Virginia O'Brien qualified for the abatement.

D. The Board of City Commissioners considered the request for approval from the Administration Department for the following items:

- Approval of a site authorization request from the Rocky Mountain Elk Foundation for a raffle to take place on March 25, 2017 at the AMVETS.
- Introduction of and call for a public hearing on a request from the Bismarck Baseball Concessions, LLC (dba Bismarck Larks Baseball) to apply for a new Class L liquor license located at 303 W Front Ave.
- Approval of the revised Vision Fund General Policy Guidelines.

The Vision Fund Committee considered a request from Brian Ritter, President/CEO of the Bismarck/Mandan Development Association (BMDA) to revise the Vision Fund General Policy Guidelines at its January 19, 2017 meeting. This request was based on the feedback provided by the Vision Fund Committee members over the course of several meetings. A motion was made and unanimously approved to recommend approval of the revised Vision Fund General Policy Guidelines and move this request to the City Commission for final consideration and approval. A draft of the revised Vision Fund General Policy Guidelines was included in the agenda packet.

- Approval of the appointment of Shae Helling to a three-year term on the Human Relations Committee that ends in January of 2020.

E. The Board of City Commissioners considered the request for approval from the Bismarck Airport for the following items:

- Approve the termination of the Bismarck Airport's Contract with Sixel Consulting Group Inc. and approve entering into a new air service development contract with Volaire Aviation Consulting.

Bismarck Airport has had an ongoing Air Service Development program to improve airline service to our city for a number of years. Integral to that program is the airport's air service development and marketing consultant. The City Commission considered and approved on March 22, 2016, the airport's request to enter into a four-year contract with Sixel Consulting Inc. for air service development efforts. Michael Mooney from Sixel was again assigned as the head consultant for the new contract. Mr. Mooney has a thorough background in air service development and has been the airport's lead consultant for six years. In December 2016, Sixel Consulting Group Inc. unexpectedly restructured its organization due to financial difficulties. The restructuring of the company resulted in the involuntary separation of several staff at the end of December and then in January the voluntary separation of a number of key staff that had been fulfilling the requirements of the Bismarck Airport contract including Mr. Mooney.

In January, Mr. Mooney and several other key personnel that separated during the restructuring joined together to create their own company, Volaire Aviation Consulting. Volaire has offered Bismarck Airport an air service development contract that is nearly identical to the contract Bismarck Airport has with Sixel Consulting Group. The contract with Volaire Aviation Consulting is from February 2017 through December 31, 2018 with an option for one additional year. The proposed contract includes all items needed to assist airport staff with managing and advancing air service in our market. The contract has a monthly fee of \$4,500, the same as with the Sixel contract. The expense for these services is included in the approved airport budget.

Airport staff has evaluated the pros and cons of remaining with Sixel Consulting Group Inc. after its restructuring or entering into a new contract with Volaire Aviation Consulting. The main factor in our recommendation to the Board is that relationships with air service consultants take some time to develop. There needs to be time for the airport and consultant to develop a strategic vision for air service to and from the community. It is equally important that the consultant understands the community and how shifts in air service will affect it. The actual relationship develops more with the individual consultant than the company itself. Mr. Mooney is a former route planner for a major airline and has twenty plus years of experience in the industry. Mr. Mooney is well respected by airline industry representatives, has very good contacts within the airline/aviation community and understands the nuances of our

market well. A transition to Volaire Aviation Consulting will allow the airport to continue to build on the successful air service development program we have been building working on for the past several years. For this reason, airport staff recommends that the City Commission approve the termination of the Sixel Consulting Contract and approve a sole source contract with Volaire Aviation Consulting. City Attorney Whitman has reviewed the Volaire contract and finds it acceptable.

Airport staff has briefed City Attorney Whitman about the restructuring and financial difficulties of Sixel Consulting. Under City Attorney Whitman's advice, a letter was sent to Sixel Consulting Group on January 28, 2017 directing them to suspend all work until a decision on the contract has been made. The Sixel contract has a sixty day (60) no cause termination clause.

- Approve relief from bidding requirements for parts and repairs for Oshkosh Plow #77 with Sheehan Mack Sales and Equipment Inc.

Plow #77 is an Oshkosh H Series high speed runway plow. It was purchased in 2006 from Sheehan Mack Sales and Equipment, Inc., Aberdeen, South Dakota, and has been in continuous use since purchase. This is one of three similar high speed runway plows used to keep the runways, taxiways and aprons clear. The plow broke down during the January snow events. The problems identified were beyond staff's ability to repair in-house, so the plow was transported to Sheehan Mack in Aberdeen for diagnosis and emergency repairs. Repairs required included replacement of a number of driveline parts including differential and axle replacement, drive shafts and associated parts. Sheehan Mack is the only Oshkosh dealer for this region and supplies all proprietary parts and repairs on Oshkosh equipment in North Dakota. Airport staff requests relief from bidding requirements to pay for the emergency repairs. These repairs will allow the Airport to continue to use the plow for many years. Bismarck Airport has the funds for these repairs in the approved spending plan.

- Approve the recommendations of the selection committee for airport marketing and advertising services and approve the contract with Results Unlimited.

Bismarck Airport has a marketing program for the purpose of creating awareness about the airport. The airport routinely buys ads on TV, radio, social media, and online mediums such as Google, Yahoo and Bing. Airport staff contracts with an advertising firm to purchase and place the ads. Using an advertising firm to purchase and place ads has several advantages, most important of which is increasing the value of our buys. Results Unlimited is the firm currently completing the buys for the airport. The contract with Results Unlimited expired on December 31, 2016.

In response to the expiration of the contract, Airport staff developed a Request for Proposals (RFP). The RFP was made public on December 9, 2016 with proposals due January 13, 2017. The airport received four proposals to review. A selection committee

made up of Amanda Bakkedahl, Matt Remyse and Greg Haug met on February 6th and 7th to review the proposals. Based on the review of the proposals, the selection committee's recommendation is to enter into an agreement with Results Unlimited.

Airport staff developed a contract and requested comments on the contract as part of the RFP. Airport staff did not receive any comments or request for changes to the contract from the proposals received. The services included in the contract are advertising placement, advertising placement evaluation, and development of creative projects. The airport uses advertising statistics in airline and community presentations. The airport from time to time creates new TV or radio commercials and uses the firm to develop and guide the airport through the process of creating a new commercial.

The cost for the advertising placement portion of the contract is 15% of net for television, radio and Pandora purchases and 20% of net for online purchases of the advertising purchased. The cost for creative development is negotiated on an as-needed basis. The cost of this contract is included in the approved airport budget.

F. The Board of City Commissioners considered the request for approval from the Bismarck-Burleigh Public Health Department for permission to accept donations for Women's Way client medical expenses from the following:

- Anytime Fitness
- BSC Volleyball
- Carpet World
- Conlin's Furniture
- Runnings
- KXMB Annual Women's Way Golf Classic (June 15, 2017)

These organizations have contacted the Women's Way program and offered to donate proceeds from their events to assist with medical expenses related to breast and cervical cancer screenings and treatments. Funds will not be used for program operations or expenses. Staff recommends approval to accept donations.

G. The Board of City Commissioners considered the request for approval from the City Attorney for approval of the following items:

- Introduction of and call for a public hearing on Ordinance Amendment 6248 relating to special permits for vehicles of excessive size and weight.

ORDINANCE NO. 6248

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 12-15-05 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL PERMITS FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 12-15-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Permits for Vehicles of Excessive Size and Weight is hereby amended and re-enacted to read as follows:

12-15-05. Special Permits for Vehicles of Excessive Size and Weight.

1. The city traffic engineer, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate a vehicle of a size or weight exceeding the maximum specified in this chapter or Chapter 39-12 of the NDCC upon the streets of this city. Every such permit shall designate the route to be traversed and may contain other restrictions or conditions deemed necessary by the traffic engineer. Every such permit must be carried in the vehicle to which it refers and shall be open to inspection by any police officer. A person may not violate any of the terms or conditions of such special permit. All special permits for the movement of excessive size or weight vehicles on city streets are for single trips only except as allowed under section 12-15-05.1.

2. The charge for each special permit ~~is~~ shall be as determined from time to time by the Board of City Commissioners and shall be kept on file in the office of the City Engineer and the office of the City Administrator, posted on the City's web-site and must be paid before the issuance of any special permit. The charge for a special permit shall not be less than the minimum charge assessed by the North Dakota State Highway Commissioner for a permit for movement of a vehicle of the same size and weight. This charge will be in addition to normal charges for any special services provided or any other costs incurred or damages resulting from movement of said vehicle.

3. Permits issued by the state or other jurisdiction for movement of oversize or overweight vehicles as provided in NDCC Section 35-12-02 may be recognized and accepted as valid permits for movement of a vehicle over a route partially within the City of Bismarck, subject to the approval of and to any additional restrictions or conditions deemed necessary by the city traffic engineer.

Reference: NDCC 39-12-02 (1985 Supp.) (Ord. 5932, 11-13-12)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

- Approval to amend purchase agreement with Montana Dakota Utilities Co., reflecting the actual survey dimensions, final adjusted purchase price and to extend the date to close.

The City and Montana Dakota Utilities Co. previously entered into a purchase agreement for the sale of property near Clydesdale Drive in north Bismarck (northwest water tower area). The purchase agreement contained a description of the property that was general and subject to survey. The auditor's lot has now been completed and the purchase agreement needs to be amended to reflect the actual survey dimensions and the final adjusted purchase price. The purchase agreement needs to be amended to extend the date to close.

H. The Board of City Commissioners considered the request for approval from the Engineering Department for the following items:

- Approval of street closure for the 13th Annual Urban Harvest, scheduled for every Thursday, from July 13 to August 17, 2017, from 8:00 am to 10:00 pm.
- Approval of the endorsement of the North Dakota Department of Transportation Maintenance Certification.

Annually, the North Dakota Department of Transportation (NDDOT) requests that cities utilizing urban federal aid to fund roadway construction projects sign a Maintenance Certification indicating they are properly maintaining the completed projects. Each federal aid project requires a "Cost Participation, Construction, and Maintenance Agreement" to be executed by the City prior to construction. Those agreements contain a listing of post construction maintenance activities required of the City. To staff's knowledge, the City of Bismarck is currently complying with all of the maintenance requirements stipulated. Staff request approving the endorsement of the Maintenance Certification by the appropriate City of Bismarck representatives.

I. The Board of City Commissioners considered the request for approval from the Event Center to receive and award bids for replacement of defective arena amplifiers.

Quotes were gathered from four companies. The quotes are to replace three two-channel amplifiers with two four-channel amplifiers. The new four-channel amplifiers are more energy efficient and cost effective.

COMPANY	QUOTE
Tricorne Audio	\$4,025.00
HB Sound & Lights	\$4,988.20
AVI	\$5,230.00
Dakota Sound	\$5,025.00

Staff recommends awarding the quote received from Tricorne Audio for \$4,025.00.

J. The Board of City Commissioners considered the request for approval from the Finance Department for approval of pledge bonds.

In accordance with the provisions of NDCC 21-04, banks with City deposits are required to pledge securities equivalent to 110% of the deposit. The Commission is required to approve the pledge bonds for the deposit of City funds semi-annually. The list of pledge bonds was included in the materials for this item in the agenda packet. Staff request approval of the pledge bonds.

K. The Board of City Commissioners considered the request for approval from the Fire Department to review and complete the Community Rating System Community Verification Visit Form.

The CRS program is a voluntary program for communities to participate. The program recognizes communities that meet and exceed minimum National Flood Insurance Program (NFIP) requirements. Depending on the results of the City's application, flood insurance policy holders may receive a modest discount on insurance premiums. The benefit for the community is that the program provides guidance and best practices regarding flood preparedness, response, floodplain management and mitigation. The Bismarck City Commission provided approval to proceed with the Community Rating System (CRS) application per the April 14, 2016 City Commission meeting.

As part of the CRS program application, the CC-230 Verification form must be completed and signed to affirm that Bismarck will continue to sustain these activities where Bismarck will be requesting and receiving CRS credit. The form must be submitted by February 17, 2017.

L. The Board of City Commissioners considered the request for approval from the Police Department for authorization to renew contract with Community, Counseling and Correctional Services (CCCS) / Bismarck Transition Center (BTC) to house municipal offenders at BTC.

The City currently has a contract with CCCS/BTC to house municipal offenders and other than the daily rate, the contract verbiage is the same. The rate to house an offender is increasing from the current \$46.00 per day per offender to \$48.00 per day per offender. A copy of the agreement is included in the materials for this item in the agenda packet. Staff requests approval of the two-year contract.

M. The Board of City Commissioners considered the request for approval from the Public Works Service Operations Department for the following items:

- Permission to purchase open office system furniture under the State of North Dakota bid contract for the 2017 budget year.
- Permission to purchase oil for city vehicles and equipment under the State of North Dakota bid contract for the 2017 budget year.
- Permission to purchase tires for city vehicles and equipment under the State of North Dakota bid contract for 2017 budget year.
- Permission to purchase Motorola Portable and Mobile Radios under the State of North Dakota bid contract for 2017 budget year.

- Permission to purchase Deicer agricultural/based liquid (beet juice) under the State of North Dakota bid contract for 2017 budget year.
- Approval and award of contract for Building Management System Study to KFI Beazley.

HVAC systems, lighting systems, locking systems, and camera systems can all benefit from controls and management that are not yet possible with existing equipment and software. The group of facilities owned by the City of Bismarck provides a nucleus large enough to benefit from increased opportunities from a more sophisticated system. Reducing energy use, improving space comfort and security and all benefits from systems like this. This study will identify existing status of each building, current and future needs, and the appropriate direction collectively and individually from now and in the future. This will provide a framework for future work both for existing facilities and new facilities that may be added.

Four firms were interviewed and KFI was selected from that group. KFI has an office in Bismarck, formerly known as Beazley Engineering. KFI is headquartered in St. Paul, Minnesota.

The contract is hourly, not to exceed \$25,000. \$20,000 was funded as a one-time expense and \$5,000 will be used from the Building Maintenance Operations budget for consultants if needed. Staff requests approval of the selection recommendation and award of contract to the selected firm.

- Permission to purchase Burleigh County Shop Property to the west of the old shop buildings located at East Divide Ave and 52nd Street North.

The Burleigh County Engineer requested bids for the sale of the land west of their old County Shop located at the corner of Divide Avenue and 52nd Street North. This property was sold to the County by the City back in the 1980's. Because the land has municipal solid waste underneath it, City staff would like to get it back under their control to be managed as a closed landfill site.

A bid of \$1,000 was submitted for the property and this was accepted by the County Commission at their February 6, 2017 meeting. City staff would agree to install a six-foot-high chain link fence with three strands of barb wire across the top, and a twenty-foot gate between this property and the county shop buildings, currently being used by the County Sheriff. City staff would also agree to pay the closing costs for this transaction.

- Permission to purchase 24 vehicles at the State of North Dakota bid price for the 2017 budget year.

These 24 vehicles will be for the following departments: Public Works Service Operations – Solid Waste Collections; Public Works Utility Operations – Wastewater Treatment Plant, Water/Sewer, Storm Water, Water Treatment Plant; Engineering;

Public Health; and the Police Department. There is a spreadsheet listing the respective purchasing departments purchasing the vehicle in the materials for this item in the agenda packet.

N. The Board of City Commissioners considered the request for approval from the Public Works Utility Operations Department for the following items:

- Approval of sole source purchase of a new pump for the Old Airport Lift Station.

The old airport lift station's two original Pacific pumps were installed in 1977. One of the pumps was replaced in 2008 with a 10 HP ABS pump due to the original pump manufacturer being out of business and no replacement parts available. The second pump now needs to be replaced.

City staff is requesting approval to purchase a 10 HP ABS pump to be consistent with and match the ABS pump installed in 2008 at this lift station. N.D. Sewage Pump Lift Station Service Company is the only authorized distributor for the ABS pump in the area. The cost of the new pump is \$6,995.00. Staff requests approval to sole source the pump replacement.

- Review and approval of a change order for the Wastewater Treatment Plant Trickling Filters - Media Equipment with ENEXIO.

Due to change in completion time on Phase I of the Wastewater Treatment Plant Trickling Filter Project, staff is requesting change in the delivery time of the media. Per Change Order FM-01, delivery of Phase IIa Trickling Filter Media was scheduled between October 31, 2016 and November 25, 2016, and delivery of Phase IIb Trickling Filter Media was scheduled between March 15, 2018 and April 11, 2018. The delivery date change affects the payment schedule laid out by Change Order FM-01. This change order modifies the delivery dates of the trickling filter media and other corresponding contract dates to match the needs of the Phase II contract. Change Order FM-01 Exhibits A & B (contained in the materials for this item in the agenda packet) for the modification of dates for delivery of goods and progress payments schedule respectively.

Commissioner Askvig made a motion to pull Item 2K for further discussion and approved the remaining items on the consent agenda. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Item #2K - The Board of City Commissioners considered the request for approval from the Fire Department to review and complete the Community Rating System Community Verification Visit Form.

There was discussion between Commissioner Askvig and Gary Stockert, Emergency Manager, about the voluntary Community Rating System Program and it's separate from any building codes or regulations already in place in Bismarck.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Naves: None, the motion carried.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

PERSONS APPEARING	THEIR REMARKS
Tim Atkinson	Appearing regarding the special assessment item on the agenda later (item #7); this is his 3 rd or 4 th appearance on fairness of special assessments to all citizens of Bismarck; will speak about Tatley Meadows which was developed in 1976; 90% of homes coming into Tatley Meadows are never moved so they aren't mobile; if they do leave, they leave with some equity; some leave for other housing; those that stay are enjoying Bismarck's most-affordable, unsubsidized housing; over 3,000 manufactured homes throughout Bismarck, which is more than 10% of Bismarck's population; more than 90% are owner-occupied; many owners are on lower-fixed incomes, elderly, or they are disabled; representatives of the operators of some of those manufactured-home communities are here tonight and some constituents are watching tonight; when Tatley was built in the mid-1970's, it was built as a residential neighborhood and it remains zoned as residential today; present city policies discriminate against constituents that live in manufactured-home communities; they are asking that these residents are treated the same as other residents in the City of Bismarck; it's not realistic to say the rates, 1 ½ times the rates of other residential homes, don't

	<p>have to be passed on to the residents in the community but we all know that isn't realistic such as the city not passing on increased costs for water and sewer services to residents; their average increase in lot rent is less than what the city charges for utility rates; a letter from all the manufactured-home community operators was sent to all of the commissioners in January 2017 and asked for a Task Force to be established to review these unfair policies; he has copies if anyone on Board didn't receive one; ask for the Board to change the rate for manufactured-home communities to be the same for all homeowners; if not, please put the policies in with a task force for review before reconsidering the special assessment policies and rates for 2017.</p>
Van Zeilstra	<p>One of the 12 operators/companies who signed the petition Mr. Atkinson spoke about; wanted to appear; here from Chicago but has owned these communities for over 20 years; they have to pass that cost on to the residents and it doesn't make them feel good to continue to have to do that; has one community on S 12th Street and they were hit very hard for the work being done in that area; it amounts to dollars that have to be passed on to stay even with your costs; Mr. Atkinson said it perfectly but he wants to acknowledge that he has three communities with over 400 lots; thank you for looking at their request.</p>

4. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on a request from Capital City Rooster, LLC to obtain a Class F-1 liquor license located at 512 E Main Avenue (dba The Starving Rooster).

No members of the public appeared to provide testimony.

Commissioner Marquardt made a motion to approve the new liquor license. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

5. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on a request from Alfason's Inc. (dba Ridey Taxi) to obtain a new Taxi Cab License.

No members of the public appeared to provide testimony.

Commissioner Askvig asked for clarification that this license is for a new taxi company and not a ride share like Uber or Lyft. Charlie Whitman, City Attorney, said that is correct and the City doesn't have the availability to license any of those ride-share companies.

Commissioner Marquardt made a motion to approve the new taxi cab license. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

6. The Board of City Commissioners considered the request from the Administration Department to receive the update on MEDAG activities and the Mayor's Livability Summit.

Co-chairpersons, Brian Eiseman and Stacey Thomas, appeared before the Board. Mr. Eiseman gave the Board an update. The group of 15 people have been meeting since September and is comprised of members from different businesses and organizations in the community. Besides economic development, they have also focused on livability and community, as well as quality of life, etc. They established a mission statement and developed the Livability Summit which will take place on March 9th. The survey they designed has polled the community as individuals, businesses and organizations to find out Bismarck's strengths and weaknesses, opportunities and threats. To date there have been over 1,100 participants in the survey and it will be closing soon. After the survey closes, the survey results will be compiled and presented at the Livability Summit on March 9th. The format will be a little open discussion and presentation of the results, as well as five panel discussions focusing on commerce and development; arts, humanities, and recreation; education; business and innovation; and community services and healthcare. There are around five panelists for each panel and each panelist would get around five minutes each to speak and then there will be a question and answer period. There was additional discussion between Mr. Eiseman and the Board as far as accepting additional information, if the group has met with other groups, and changes to the economy. Commissioner Marquardt asked the group to present to the Intergovernmental (ITG) Committee on Thursday, February 23, 2017.

The Board took no formal action.

7. The Board of City Commissioners considered the request from the Finance Department to receive the overview of the current Special Assessment process.

Sheila Hillman, Finance Director, appeared before the Board and presented a brief overview of the Special Assessment process. There was discussion between Ms. Hillman and the Board relating to residential versus commercial property (regardless of zoning), abeyances covered, and difference in rates for special assessment projects.

Commissioner Guy said they will be assembling a task force of people and the panel will be comprised of city residents from different parts of town, business owners, community organizations. We would like to take applications from north-side, south-side and the core and maybe a 4th representative at-large. Once assembled, she wants to hear what they think the City should be doing. Look at how we currently do things, plus look at how other communities in North Dakota use special assessments, and also how other states around us pay for these projects if they don't have special assessments. At the end, they'll make a report to the City Commission and see where it goes.

Commissioner Askvig thanked Mr. Atkinson for his input; at least you're consistent. The loudest complaints he's received since his time on the commission is about special assessments, then property tax after that. There's confusion about how those apply and how they get paid for, etc. What possible solutions there might be with getting rid of special assessments, except in very rare circumstances, if that's even possible. Commissioner Marquardt agreed that this topic is brought up all the time. Commissioner Oban is excited to see what other states are doing and said the task force should bring options, not necessarily a solution.

Commissioner Guy made a motion to approve the request and discussed the forthcoming Special Assessment Task Force that will be assembled to consider alternative means for funding public improvement projects. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

8. The Board of City Commissioners considered the request for approval from the Airport for Law Enforcement Officer support at the Bismarck Airport passenger screening checkpoint.

Greg Haug, Airport Director, appeared before the Board. Bismarck is currently a Security Category 3 airport. This allows the checkpoint to be operated with a 15-minute response time from Law Enforcement Officers (LEO's). A Security Category 2 airport must have LEO's at the checkpoint whenever the checkpoint is open. A Category 3 airport that exceeds 250,000 passenger enplanes for three consecutive years can be elevated involuntarily to a security Category 2. Bismarck had 271,020 enplanements for calendar year 2016 which is the second year over 250,000. We expect by December 31, 2017, we will be above 250,000. Our enplanements would have to drop 8% to go below 250,000. Bismarck has been told by Federal Security Director, Dave Durgan, his office would be "pursuing your categorization change towards the end of 2017". The most significant change with elevation to Category 2

is that police officers must be at the screening checkpoint or nearby in the building when the checkpoint is open. This means Bismarck must have Police Officers at the screening checkpoint in the terminal on January 1, 2018.

Bismarck Airport has been in a Transportation Security Administration (TSA) reimbursement program using Armed Security Guards as LEO's since shortly after TSA was created in 2001. The current program uses Other Transaction Agreements (OTA) as the method for reimbursing airports for the LEO costs. The current OTA began in April 1, 2016 and ends December 31, 2018. TSA approves the OTA and then issues Modifications that provide actual funding each year of the agreement. Bismarck Airport was issued funding every year until October 30, 2016 when funding ended because of a determination that Armed Security Guards do not meet the requirements as LEO's described in the program. Bismarck had used Armed Security Guards (BisMan Security) as LEO's up to that point. TSA initially determined Bismarck would be dropped from the reimbursement program without police officers at the check point by November 1, 2016 but later, after appeal, has determined Bismarck Airport can maintain its position in the LEO reimbursement program if police officers are at the checkpoint by July 1, 2017. The reimbursement for the program can be as much as 100% depending on funding for the program. Amounts have varied from year to year. Bismarck received \$65,000 for the most recent reimbursement period and has received \$261,789 total since October of 2012. If an airport drops out of the reimbursement program, we understand it is very difficult to get back in. There are more requests for funding by airports in the program than funds are available.

Airport staff is concerned about the potential negative consequences if we dropped out of the program just before we are elevated to Category 2, when police officers must be at the checkpoint. Our thinking is that even if the program does not fully fund LEO's, some funding is better than none. Retaining some funding is financially advantageous particularly when we expect an ongoing requirement for police officers at the checkpoint starting on January 1, 2018.

Airport staff working with the Bismarck Police Department (PO) has come up with options for meeting the Category 2 requirement and retaining our position in the TSA LEO Reimbursement program.

Options:

1. Establish Bismarck PD patrol officer positions (5 positions at grade 17) for service during periods when the passenger screening checkpoint is in operation starting not later than July 1, 2017. The 5 officer positions would be hired and trained (9 weeks police academy and 7 weeks local training) as soon as practical. Bismarck PD would fill positions at the checkpoint when open and move officers to patrol duties in the City when the checkpoint is closed. An inter-department transfer from airport to PD would reimburse the PD for costs incurred while officers are on duty at the checkpoint. Initial one-time costs of training and equipment outfitting for 5

- officers would be charged to the airport. For a short transition period, Bismarck PD would fill the checkpoint from existing patrol officer positions until the 5 hires are backfilled. Staffing the checkpoint with PD LEO's by July 1, 2017 would keep Bismarck in the TSA reimbursement program.
2. Same as Option 1 except establish Bismarck PD at checkpoint on January 1, 2018. This option allows for more time for normal budgeting, hiring and training processes and would have PD LEO's in place when Bismarck Airport is elevated to Category 2. Bismarck would be dropped from the TSA LEO reimbursement program.
 3. Initially start service with Patrol officers and backfill by hiring a newly created Airport officer position that is designed only to work at the checkpoint. This position may be at a lower grade offering the opportunity to save some costs but Airport Officers could not be used for patrol off the airport by the PD. This type of position would be acceptable to TSA when the airport must meet Category 2 requirements. It would not impact eligibility for the TSA LEO reimbursement program as long as Bismarck has LEO's in place at the checkpoint by July 1, 2017. Since these positions cannot patrol off airport all costs for the LEO's 40 hours work week would be charged to the airport.
 4. Basically the same as option 3 but kicking it out to January 1, 2018.

Costs will vary depending on the option chosen. Bismarck Airport has not budgeted the additional expenditures in the current budget. We expect that meetings with tenant airlines would be opened to renegotiate reimbursement of LEO costs in airline contracts.

2017 estimates for Option 1 and Option 3 include training and 6 months of officer costs. Options 2 and 4, the 2017 costs are only costs for training and outfitting the officers to get them ready to start January 1, 2018. The handout Mr. Haug provided at the meeting will be included at the end of the minutes.

The critical date is July 1, 2017 to have LEO's (PO) in place so we remain in the reimbursement program. If maintaining Bismarck's place in the reimbursement program is not deemed critical, then January 1, 2018 will be the critical date for having PD officers in place as we believe Bismarck Airport will elevate to Security Category 2 on that date.

Mr. Haug said they want the least costly option that meets the requirements and the Police Department would like the least cumbersome option. We need to meet the requirements. Commissioner Askvig said he's asked all of the questions that the Board is thinking right now.

Commissioner Askvig made a motion to ask the Budget Committee to look at this with the Police Department and the Airport, then come back with a recommendation no later than the next meeting. Commissioner Marquardt seconded the motion. Upon roll call,

the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

9. The Board of City Commissioners considered the request for approval from the Public Works Service Operations Department to receive and consider the disposition of bids for the HPS & LED luminaires.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board to present the bids received:

ITEM	UNIT	QTY	GRAYBAR		WESCO DISTRIBUTION		BORDER STATES ELEC	
			UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
150W HPS Luminaire	Ea	50	172.16	\$8,608.00	179	\$8,950.00	178.70	\$8,935.00
250/400W HPS Luminaire	Ea	75	219.12	\$16,434.00	223	\$16,725.00	223.38	\$16,753.50
Type L LED Luminaire	Ea	115	352.67	\$40,557.05	358	\$41,170.00	357.40	\$41,101.00
Type BL LED Luminaire	Ea	30	1017.32	\$30,519.60	1,021	\$30,630.00	1019.22	\$30,576.60
Total				\$96,118.65		\$97,475.00		\$97,366.10

Mr. Heintz recommended awarding the bid to low bidder, Graybar, for \$96,118.65.

Commissioner Marquardt made a motion to award the bid to Graybar for \$96,118.65. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

10. The Board of City Commissioners considered the request for approval from the Public Works Utility Operations Department for approval to change the timeframe on sewer averaging to a 6-month period.

Michelle Klose, Public Works Utility Operations Director, appeared before the Board. The sewer charges on the water bill are based on usage from the water meter during the winter. Currently, four months during the winter, December to March, are used to create an average use for a property that is then applied to the remaining eight months

of the year. This is done in consideration of summer time water usage normally being significantly higher than winter use and typically includes lawn watering and other uses that do not flow through the sanitary sewer and are not treated at the wastewater treatment plant.

With the new meter project, water readings are collected within five days of when the account is billed and meter information is for more accurate that we have had in the past. Review of the water billed, sewer billed, and sewer treatment information below reveals a large difference in the sewer billed and sewer treated during the two months of transition from the winter use and seasonal averaging.

It appears with the current system, the city is under collecting for sewer usage during April and November. The sewer gallons treated remain very similar in March and April, however the gallons billed drop by 5 million gallons. This is similar to November and December numbers. The current \$2.41 per cubic foot sewer rate for 5 million gallons is about \$16,000.

There was discussion between the Board and Ms. Klose relating to making this change now versus during the budget process with updated numbers.

Commissioner Marquardt made a motion to approve the request. Commissioner Oban seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Marquardt, Guy, and Oban. Nays: Commissioner Askvig and President Seminary, the motion carried.

11. The Board of City Commissioners considered the request for approval from the Administration Department to review, discuss and approve the 2017 Legislative Report #3.

Mr. Hunke said HB 1388 has been defeated in the House so we won't be asking anything for that. He asks for the Board to support HB 1210 and HB 1314, as well as monitor HB 1351 and SB 2316

Commissioner Askvig made a motion to support HB 1210 and HB 1314, as well as monitor HB 1351 and SB 2316. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Addendum Item: Consider request for approval from the Administration Department to implement an interactive jurisdiction web map and participate in a review of the current extraterritorial jurisdiction boundary with Burleigh County staff.

Keith Hunke, City Administrator, appeared before the Board to present the information relating to this item.

Commissioner Askvig made a motion to approve the request to implement an interactive jurisdiction web map. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Commissioner Askvig made a motion to approve the request to participate in a review of the current extraterritorial jurisdiction boundary with Burleigh County staff. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

12. The Board of City Commissioners considered other business. Renae Moch, Nursing Director at Bismarck-Burleigh Public Health, appeared to discuss the Northland Community Health Centers of Bismarck-Mandan, which is expected to open in April in the former Cashwise Video location on South 12th Street.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 7:02 p.m.